

Board of Pharmacy

Title 16

Amend Section 1710:

1710. ~~Inpatient~~-Hospital Pharmacy.

~~(a) For purposes of Business and Professions Code Section 4111, an inpatient hospital pharmacy is a hospital pharmacy pursuant to Business and Professions Code Section 4029 which solely or predominantly furnishes drugs to inpatients of that hospital. A hospital pharmacy which predominantly furnishes drugs to inpatients of that hospital may furnish drugs to outpatients or employees of that hospital or to walk-in customers, provided that sales to walk-in customers do not exceed one (1) percent of all the pharmacy's prescriptions.~~

(b) A hospital pharmacy may process an order for filling patient cassettes by another pharmacy within this state, provided:

- (1) The pharmacy that is to fill the cassettes either has a contract with the ordering hospital pharmacy or has the same owner as the ordering inpatient hospital pharmacy,
- (2) The filled cassette is delivered directly from the filling pharmacy to the ordering hospital pharmacy,
- (3) Each cassette or container meets the requirements of Business and Professions Code section 4076,
- (4) Both pharmacies are responsible for ensuring that the order has been properly filled.
- (5) Both pharmacies shall maintain complete and accurate records of each cassette fill transaction, including the name of the pharmacist checking the cassettes at each pharmacy.
- (6) Prescription information shall be electronically transferred between the two pharmacies.

NOTE:

Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4005, 4029, 4111, 4118 4076 and 4380, Business and Professions Code.

Amend Section 1711:

1711. Quality Assurance Programs.

(a) Each pharmacy shall establish or participate in an established quality assurance program which documents and assesses medication errors to determine cause and an appropriate response as part of a mission to improve the quality of pharmacy service and prevent errors.

(b) For purposes of this section, "medication error" means any variation from a prescription or drug order not authorized by the prescriber, as described in Section 1716. Medication error, as defined in the section, does not include any variation that is corrected prior to furnishing the drug to the patient or patient's agent or any variation allowed by law.

~~(c) Each quality assurance program shall be managed in accordance with written policies and procedures maintained in the pharmacy in an immediately retrievable form. Unless the pharmacist has already been notified of a medication error by the prescriber or the patient, the pharmacist shall immediately communicate to the patient and the prescriber the fact that a medication error has occurred and the steps required to avoid injury or mitigate the error.~~

(c) (1) Each quality assurance program shall be managed in accordance with written policies and procedures maintained in the pharmacy in an immediately retrievable form.

(2) When a pharmacist determines that a medication error has occurred, a pharmacist shall as soon as possible:

(A) Communicate to the patient or the patient's agent the fact that a medication error has occurred and the steps required to avoid injury or mitigate the error.

(B) Communicate to the prescriber the fact that a medication error has occurred.

(3) The communication requirement in paragraph (2) of this subdivision shall only apply to medication errors if the drug was administered to or by the patient, or if the medication error resulted in a clinically significant delay in therapy.

(4) If a pharmacist is notified of a prescription error by the patient, the patient's agent, or a prescriber, the pharmacist is not required to communicate with that individual as required in paragraph (2) of this subdivision.

(d) Each pharmacy shall use the findings of its quality assurance program to develop pharmacy systems and workflow processes designed to prevent medication errors. An investigation of each medication error shall commence as soon as is reasonably possible, but no later than 2 business days from the date the medication error is discovered. All medication errors discovered shall be subject to a quality assurance review.

(e) The primary purpose of the quality assurance review shall be to advance error prevention by analyzing, individually and collectively, investigative and other pertinent data collected in response to a medication error to assess the cause and any contributing factors such as system or process failures. A record of the quality assurance review shall be immediately retrievable in the pharmacy. The record shall contain at least the following:

1. the date, location, and participants in the quality assurance review;
2. the pertinent data and other information relating to the medication error(s) reviewed and documentation of any patient contact required by subdivision (c);
3. the findings and determinations generated by the quality assurance review; and,
4. recommend changes to pharmacy policy, procedure, systems, or processes, if any.

The pharmacy shall inform pharmacy personnel of changes to pharmacy policy, procedure, systems, or processes made as a result of recommendations generated in the quality assurance program.

(f) The record of the quality assurance review, as provided in subdivision (e) shall be immediately retrievable in the pharmacy for at least one year from the date the record was created.

(g) The pharmacy's compliance with this section will be considered by the board as a mitigating factor in the investigation and evaluation of a medication error.

(h) Nothing in this section shall be construed to prevent a pharmacy from contracting or otherwise arranging for the provision of personnel or other resources, by a third party or administrative offices, with such skill or expertise as the pharmacy believes to be necessary to satisfy the requirements of this section.

~~(i) This section shall become operative on January 14, 2002.~~

NOTE:

Authority cited: Section 4005, Business and Professions Code; and Section 2 of Chapter 677, Statutes of 2000. Reference: Section 4125, Business and Professions Code.

Amend Section 1717.1:

1717.1. Common Electronic Files.

- (a) For dangerous drugs other than controlled substances: Two or more pharmacies may establish and use a common electronic file to maintain required dispensing information. Pharmacies using such a common file are not required to transfer prescriptions or information for dispensing purposes between or among pharmacies participating in the same common prescription file.
- (b) For controlled substances: To the extent permitted by Federal law, two or more pharmacies may establish and use a common electronic file of prescriptions and dispensing information.
- (c) All common electronic files must contain complete and accurate records of each prescription and refill dispensed.
- (d) Common electronic files as authorized by this section shall not permit disclosure of confidential medical information except as authorized by the Confidentiality of Medical Information Act (Civil Code 56 et seq.).
- (e) Pharmacies maintaining a common electronic file authorized by this section shall develop and implement written policies and procedures designed to prevent the unauthorized disclosure of confidential medical information.

NOTE:

Authority cited: Sections 4005, 4075 and 4114, Business and Professions Code. Reference: Sections 4005, 4019, 4027, 4050, 4051, 4052, 4075, 4114, 4116 and 4117, Business and Professions Code and Sections 56.10 and 56.11 of the Civil Code.

Amend Section 1717.4:

1717.4. Electronic Transmission of Prescriptions.

- (a) Except as otherwise prohibited by law, prescriptions may be transmitted by electronic means from the prescriber to the pharmacy.
- (b) An electronically transmitted prescription which meets the requirements of this regulation shall be deemed to be a prescription within the meaning of Business and Professions Code section 4040.
- (c) An electronically transmitted prescription order shall include the name and address of the prescriber, a telephone number for oral confirmation, date of transmission and the identity of the recipient, as well as any other information required by federal or state law or regulations. The prescriber's address, license classification and federal registry number may be omitted if they are on file and readily retrievable in the receiving pharmacy.
- (d) An "interim storage device" means an electronic file into which a prescription is entered for later retrieval by an authorized individual. Any interim storage device shall, in addition to the above information, record and maintain the date of entry and/or receipt of the prescription order, date of transmission from the interim storage device and identity of the recipient of such transmission. The interim storage device shall be maintained so as to ensure against unauthorized access and use of prescription information, including dispensing information.
- (e) A pharmacy receiving an electronic image transmission prescription shall either receive the prescription in hard copy form or have the capacity to retrieve a hard copy facsimile of the prescription from the pharmacy's computer memory. Any hard copy of a prescription shall be maintained on paper of permanent quality.
- (f) An electronically transmitted prescription shall be transmitted only to the pharmacy of the patient's choice. This requirement shall not apply to orders for medications to be administered in an acute care hospital.
- (g) Electronic equipment for transmitting prescriptions (or electronic transmittal technology)

shall not be supplied or used so as to violate or circumvent Business and Professions Code section 4000 et seq., Health and Safety Code section 11150 et seq., or any regulations of the board.

(h) Any person who transmits, maintains or receives any prescription or prescription refill, orally, in writing or electronically, shall ensure the security, integrity, authenticity, and confidentiality of the prescription and any information contained therein.

NOTE:

Authority cited: Section 4005, Business and Professions Code. Reference: Sections 4019, 4040, 4071, 4072 and 4075, Business and Professions Code; and Section 11150, et seq., Health and Safety Code.

Amend Section 1720:

1720. Application for Pharmacist Examination and Registration Licensure.

(a) An application for ~~the pharmacist licensure~~ examination shall be submitted on the form provided by the board ~~Board~~, and filed with the board ~~Board~~ at its office in Sacramento ~~at least (60) days before the date fixed for examination.~~

(b) The fee required by section 1749, subdivision (d) ~~Section 1749(d)~~ shall be paid for each application for examination. The fee is nonrefundable.

(c) An applicant who fails to pay the fee required by section 1749, subdivision (f) ~~Section 1749(f)~~ within ~~two years~~ one year after being notified ~~by the board~~ of his or her eligibility for a certificate of registration license as a pharmacist shall be deemed to have abandoned the application and must file a new application and meet all of the requirements which are in effect at the time of reapplication, ~~including retaking of the examination.~~

(d) Each applicant shall be solely responsible for applying to and complying with the requirements imposed by the administrators of the North American Pharmacist Licensure Examination and the Multi-State Pharmacy Jurisprudence Examination for California for the administration of those examinations.

(e) An applicant for examination whose eligibility is based on the provisions of Business and Professions Code Section 4200(a)(2)(b) and who does not fail to take the examination within five years one year of the date the applicant is determined by the board to be eligible to take the examination of filing the application shall be deemed to have abandoned the application and must file a new application in compliance with all of the requirements which are in effect at the time of reapplication.

NOTE:

Authority cited: Section 4005, Business and Professions Code. Reference: Section 4200, Business and Professions Code.

Amend Section 1721:

1721. Dishonest Conduct During Examination.

An applicant for registration examination as a pharmacist who engages in dishonest conduct during the examination shall not have ~~his or her~~ that examination graded, ~~and shall be denied the~~

~~opportunity to take the examination at its next administration not be approved to take the examination for twelve months from the date of the incident, and shall surrender his or her intern card until such time as he or she takes the licensure eligible to take the examination. The applicant may not be issued a pharmacy technician license until the applicant is again eligible to take the examination.~~

NOTE:

Authority cited: Section 4005, Business and Professions Code. Reference: Section 4200, Business and Professions Code.

Amend Section 1723.1:

1723.1. Confidentiality of Examination Questions.

~~Board of Pharmacy Examination questions are confidential, and any~~ Any applicant for any license, ~~permit or exemption certificate~~ issued by the ~~Board~~ board who removes all or part of any qualifying examination from the examination room or area, or who conveys or exposes all or part of any qualifying examination to any other person may be disqualified as a candidate for ~~the a~~ a license, ~~permit or exemption certificate for which the applicant applies.~~

NOTE:

Authority cited: Section 4005, Business and Professions Code. Reference: Sections ~~4059-123~~ and ~~496~~ 4200, Business and Professions Code.

Amend Section 1724:

1724. Passing Grade in Pharmacist Examination.

~~The pharmacist licensure examination consists of two sections, multiple choice and essay, both of which must be passed by achieving a score of 75 or more on each section. A candidate failing the multiple choice section shall be given a failing grade for the entire examination without regard to the performance on the essay section.~~

In order to pass the examination, an applicant shall be required to obtain a passing score as determined by a criterion-referenced method of establishing the passing point on each part of the examination. The board may scale the passing score to 75 for the purpose of releasing scores to examinees.

NOTE:

Authority cited: Section 4005, Business and Professions Code. Reference: Section 4200, Business and Professions Code.

Amend Section 1749 as follows:

1749. Fee Schedule.

~~Effective July 1, 1999, the~~ The fees for the issuance and renewal of licenses, certificates, and permits, and the penalties to be assessed for failure to renew in accordance with Section 4400 of the Business and Professions Code are hereby fixed as follows:

- (a) The fee for the issuance of a permit to conduct a pharmacy is three hundred forty dollars (\$340). The fee for the annual renewal of said permit is one hundred seventy-five dollars (\$175). The penalty for failure to renew is eighty-seven dollars and fifty cents (\$87.50).
- (b) The fee for the issuance of a temporary permit is one hundred seventy-five dollars (\$175).
- ~~(c) The fee for processing remodeling plans and inspecting the remodeled area is one hundred thirty dollars (\$130).~~
- (c) The fee for the issuance of a pharmacy technician license shall be fifty dollars (\$50). The fee for the biennial renewal of a pharmacy technician license shall be fifty dollars (\$50). The penalty for failure to renew a pharmacy technician license is twenty-five dollars (\$25).
- (d) The fee for ~~an applicant for~~ application and examination as a pharmacist is one hundred fifty-five dollars (\$155).
- (e) The fee for regrading an examination is seventy-five dollars (\$75).
- (f) The fee for the issuance of an original ~~certificate of registration as a pharmacist license~~ is one hundred fifteen dollars (\$115).
- (g) The fee for the biennial renewal of a pharmacist's license is one hundred fifteen dollars (\$115). The penalty fee for failure to renew is fifty-seven dollars and fifty cents (\$57.50).
- (h) The fee for the issuance or renewal of a wholesaler's permit is five hundred fifty dollars (\$550). The penalty for failure to renew is one hundred fifty dollars (\$150).
- (i) The fee for the issuance or renewal of a hypodermic license is ninety dollars (\$90). The penalty for failure to renew is forty-five dollars (\$45).
- (j) The fees for a certificate of exemption under the provisions of sections 4053, 4054 and 4133 of the Business and Professions Code are as follows:
 - (1) For the application and investigation ~~and examination of the~~ an applicant, the fee is seventy-five dollars (\$75).
 - (2) For the issuance or renewal of an original certificate for an application approved by the board the fee is one hundred ten dollars (\$110). The penalty for failure to renew is fifty-five dollars (\$55).
- (k) The fee for the issuance or renewal of a license as an out-of-state manufacturer or wholesaler is five hundred fifty dollars (\$550). The penalty for failure to renew is one hundred fifty dollars (\$150).
- (l) The fee for registration as an intern pharmacist or extension of the registration is sixty-five dollars (\$65). The fee for transfer of intern hours or verification of licensure to another state is ten dollars (\$10).
- (m) The fee for the reissuance of any permit, license, certificate or renewal thereof, which has been lost, or destroyed or must be reissued because of name change, is thirty dollars (\$30). The fee for the reissuance of any permit, license, or certificate, or renewal thereof, which must be reissued because of change in the information, other than name change, is sixty dollars (\$60).
- (n) The fee for registration and annual renewal of providers of continuing education is one hundred dollars (\$100). The penalty for failure to renew is fifty dollars (\$50).
- (o) The fee for evaluation of continuing education courses for accreditation is forty dollars (\$40) for each hour of accreditation requested.
- (p) The fee for evaluation of an application submitted by a graduate of a foreign college of pharmacy or college of pharmacy not recognized by the board is one hundred sixty-five dollars (\$165).

(q) The fee for the issuance of a clinic permit is three hundred forty dollars (\$340). The fee for the annual renewal of said permit is one hundred seventy-five dollars (\$175). The penalty for failure to renew is eighty-seven dollars and fifty cents (\$87.50).

(r) ~~The fee for the issuance of a permit for a medical device retailer is three hundred forty dollars (\$340). The fee for the annual renewal of said permit is one hundred seventy-five dollars (\$175). The penalty for failure to renew is eighty-seven dollars and fifty cents (\$87.50).~~

(s) The fee for the issuance of a permit for a warehouse of a medical device retailer is one hundred seventy dollars (\$170). The fee for the annual renewal of said permit is eighty-seven dollars and fifty cents (\$87.50). The penalty for failure to renew is forty-three dollars and seventy-five cents (\$43.75).

NOTE:

Authority cited: Sections 163.5 and 4005, Business and Professions Code. Reference: Sections 163.5, 4005, 4110, 4112(h), 4120, ~~4130~~, 4196, 4200(c), 4400(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (q), (r), (s), (t), (u), (v), (w), 4401 and 4403, Business and Professions Code.

Amend Section 1793:

1793. Definitions.

“Pharmacy technician” means an individual who, under the direct supervision and control of a ~~registered~~ pharmacist, performs packaging, manipulative, repetitive, or other nondiscretionary tasks related to the processing of a prescription in a ~~licensed~~ pharmacy, but who does not perform duties restricted to a ~~registered~~ pharmacist under section 1793.1.

NOTE:

Authority cited: Sections 4005, 4007, 4038, 4115 and 4202, Business and Professions Code. Reference: Sections 4005, 4007, 4038, 4115 and 4202, Business and Professions Code.

Amend Section 1793.1 as follows:

1793.1. Duties of a ~~Registered~~ Pharmacist.

Only a ~~registered~~ pharmacist, or an intern pharmacist acting under the supervision of a ~~registered~~ pharmacist, may:

- (a) Receive a new prescription order orally from a prescriber or other person authorized by law.
- (b) Consult with a patient or his or her agent regarding a prescription, either prior to or after dispensing, or regarding any medical information contained in a patient medication record system or patient chart.
- (c) Identify, evaluate and interpret a prescription.
- (d) Interpret the clinical data in a patient medication record system or patient chart.
- (e) Consult with any prescriber, nurse or other health care professional or authorized agent thereof.

- (f) Supervise the packaging of drugs and check the packaging procedure and product upon completion.
- (g) ~~Be responsible for all activities of pharmacy technicians to ensure that all such activities are performed completely, safely and without risk of harm to patients.~~
- (h) ~~Perform any other duty which federal or state law or regulation authorizes only a registered pharmacist to perform.~~
- (i) Perform all functions which require professional judgment.

NOTE:

Authority cited: Sections 4005, 4007, 4038, 4115 and 4202, Business and Professions Code.
Reference: Sections 4005, 4007, 4038, 4115 and 4202, Business and Professions Code.

Amend Section 1793.2 as follows:

1793.2. Duties of a Pharmacy Technician.

~~Pharmacy technicians may perform packaging, manipulative, repetitive, or other nondiscretionary tasks, while assisting, and while under the direct supervision and control of, a registered pharmacist.~~

“Nondiscretionary tasks” as used in Business and Professions Code section 4115, include:

- (a) removing the drug or drugs from stock;
- (b) counting, pouring, or mixing pharmaceuticals;
- (c) placing the product into a container;
- (d) affixing the label or labels to the container;
- (e) packaging and repackaging.

NOTE:

Authority cited: Sections 4005, 4007, 4038, 4115 and 4202, Business and Professions Code.
Reference: Sections 4005, 4007, 4038, 4115 and 4202, Business and Professions Code.

Repeal Section 1793.4:

1793.4. Qualifications for Registration as a Pharmacy Technician.

~~Except for the preparation of prescriptions for an inpatient of a hospital or for an inmate of a correctional facility, no person shall act as a pharmacy technician without first being registered with the board. The board shall issue a certificate of registration to an applicant who has met any of the following requirements:~~

- ~~(a) Has obtained at least an associate of arts degree in one or more fields of study directly related to the duties performed by a pharmacy technician. Directly related fields of study include: health sciences, biological sciences, physical sciences, or natural sciences.~~
- ~~(b) Has successfully completed a training course specified by the board.~~
- ~~(c) Is eligible to take the board's pharmacist licensure examination.~~
- ~~(d) Has at least one year's experience, to include a minimum of 1,500 hours, performing the tasks specified in section 1793.2 while employed or utilized as a pharmacy technician to assist in the preparation of prescriptions for an inpatient of a hospital, for an inmate of a correctional facility, or other experience deemed equivalent by the board.~~

~~(e) A person possesses “experience deemed equivalent by the board” within the meaning of subdivision (d), if he or she has at least 1,500 hours of experience performing the duties specified in section 1793.3 in a pharmacy in the last three years, or has been employed for at least 1,500 hours as a pharmacy technician in another state or by the federal government.~~

NOTE:

Authority cited: Sections 4005, 4007, 4038, 4115 and 4202, Business and Professions Code.

Reference: Sections 4005, 4007, 4038, 4115 and 4202, Business and Professions Code.

Amend Section 1793.5:

1793.5. Pharmacy Technician Application. ~~for Registration.~~

The application for ~~registration (Form 17A-5 Rev. 9/94)~~ as a pharmacy technician license (Form 17A-5 (Rev. 9/94)) required by this section is available from the Board of Pharmacy upon request.

- (a) Each application for registration as a pharmacy technician shall include:
 - (1) Information sufficient to identify the applicant.
 - (2) A description of the applicant's qualifications ~~qualifying experience or education~~, and supporting documentation for those qualifications. ~~that experience or education.~~
~~Examples of supporting documentation shall include: a certificate of completion issued by the training course provider showing the date of issuance and the number of theoretical and practical hours completed, transcripts, or an experience affidavit (Form 17A-6 or 17A-9 Rev. 9/94) signed by the pharmacist having direct knowledge of the applicant's experience.~~
 - (3) A criminal background check that will require submission of fingerprints in a manner specified by the board ~~two completed fingerprint cards~~ and the fee authorized in Penal Code section 11105(e). In addition, a signed statement whether the applicant has ever been convicted of or pled no contest to a violation of any law of a foreign country, the United States, any state, or local ordinance.
 - (4) ~~The registration fee shall be fifty dollars (\$50) effective July 1, 1995.~~
- (b) The applicant shall sign the application under penalty of perjury and shall submit it to the Board of Pharmacy.
- (c) The board shall notify the applicant within 30 days ~~whether if an~~ if an the application is ~~complete or deficient~~; and what is needed to correct the deficiency. Once the application is complete, the board will notify the applicant within 60 days of a license ~~permit~~ decision.
- (d) ~~Upon review and approval of the application, the board shall issue a certificate of registration as a pharmacy technician for at least one year. Before expiration of the a pharmacy technician license initial certificate of registration, a pharmacy technician must renew the that license by payment of the fee specified in Section 1749, subdivision (c).~~ registration certificate with the board. Effective July 1, 1995, the fee is fifty dollars (\$50) and the penalty for failure to renew is twenty-five dollars (\$25).

NOTE:

Authority cited: Sections 163.5, 4005, 4007, 4038, 4115 and 4202, Business and Professions Code. Reference: Sections 163.5, 4005, 4007, 4038, 4115 and 4202, Business and Professions Code.

Amend Section 1793.6 as follows:

1793.6. Training Courses Specified by the Board.

A course of training that meets the requirements of Business and Professions Code section 4202(a)(2) ~~1793.4(b)~~ is:

- (a) Any pharmacy technician training program accredited by the American Society of Health-System Pharmacists,
- (b) Any pharmacy technician training program provided by a branch of the federal armed services for which the applicant possesses a certificate of completion, or
- (c) Any other course that provides a training period of at least 240 hours of ~~theoretical and practical instruction covering at least the following; provided that at least 120 of these hours are in theoretical instruction in a curriculum that provides:~~
 - (1) Knowledge and understanding of different pharmacy practice settings.
 - (2) Knowledge and understanding of the duties and responsibilities of a pharmacy technician in relationship to other pharmacy personnel and knowledge of standards and ethics, laws and regulations governing the practice of pharmacy.
 - (3) Knowledge and ability to identify and employ pharmaceutical and medical terms, abbreviations and symbols commonly used in prescribing, dispensing and record keeping of medications.
 - (4) Knowledge of and the ability to carry out calculations required for common dosage determination, employing both the metric and apothecary systems.
 - (5) Knowledge and understanding of the identification of drugs, drug dosages, routes of administration, dosage forms and storage requirements.
 - (6) Knowledge of and ability to perform the manipulative and record-keeping functions involved in and related to dispensing prescriptions.
 - (7) Knowledge of and ability to perform procedures and techniques relating to manufacturing, packaging, and labeling of drug products.

NOTE:

Authority cited: Sections 4005, 4007, 4038, 4115 and 4202, Business and Professions Code.

Reference: Sections 4005, 4007, 4038, 4115 and 4202, Business and Professions Code.

Amend Section 1793.7 as follows:

1793.7. Requirements for Pharmacies Employing Pharmacy Technicians.

~~(a) Any pharmacy which employs a pharmacy technician shall do so in compliance with applicable federal and state laws and regulations governing pharmacy.~~

~~(b)~~

(a) Any function performed by a pharmacy technician in connection with the dispensing of a prescription, including repackaging from bulk and storage of pharmaceuticals, must be verified and documented in writing by a pharmacist. Except for the preparation of prescriptions for an inpatient of a hospital and for an inmate of a correctional facility, the pharmacist shall indicate verification of the prescription by initialing the prescription label before the medication is provided to the patient.

~~(e)~~

(b) Pharmacy technicians must work under the direct supervision of a ~~registered~~ pharmacist and in such a relationship that the supervising pharmacist is ~~on the premises at all times and~~ is fully aware of all activities involved in the preparation and dispensing of medications, including the maintenance of appropriate records.

~~Except for the preparation of prescriptions for an inpatient of a hospital and for an inmate of a correctional facility, a pharmacy technician may perform the duties, as specified in subdivision 1793.2, only under the immediate, personal supervision and control of a registered pharmacist and within the pharmacist's view.~~

~~(d)~~

(c) A pharmacy technician must wear identification clearly identifying him or her as a pharmacy technician.

~~(e)~~

(d) Any pharmacy employing or using a pharmacy technician shall develop a job description and written policies and procedures adequate to ensure compliance with the provisions of Article ~~11~~ 42 of this Chapter, and shall maintain, for at least three years from the time of making, records adequate to establish compliance with these sections and written policies and procedures.

(e) A pharmacist shall be responsible for all activities of pharmacy technicians to ensure that all such activities are performed completely, safely and without risk of harm to patients.

(f) For the preparation of a prescription for an inpatient of a licensed health facility and for a patient of a licensed home health agency, the ratio shall not be less than one pharmacist on duty for a total of two pharmacy technicians on duty. Pursuant to Business and Professions Code section 4115(g)(1), this ratio shall not apply to the preparation of a prescription for an inmate of a correctional facility of the Department of the Youth Authority or the Department of Corrections, or for a person receiving treatment in a facility operated by the State Department of Mental Health, the State Department of Developmental Services, or the Department of Veterans Affairs.

NOTE:

Authority cited: Sections 4005, 4007, 4038, 4115 and 4202, Business and Professions Code.

Reference: Sections 4005, 4007, 4038, 4115 and 4202, Business and Professions Code.